**THE ESCAPE ARTIST**

Episode 3

**Duration: 57:05**

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*Music ‘3m01’ in: 10:00:00*

**PREVIOUSLY**

**IN: 10:00:00 Int. Court - corridor - day**

Foyle holds out his hand to Will.

FoylE

Thank you my friend.

But Will CANNOT SHAKE HIS HAND -- abrupt, nervous.

Will

Pleasure. Take care.

He turns and leaves -- Foyle watches him go -- affronted.

**IN: 10:00:06 INT. burton family home - jamie's bedroom - nigHT**

Kate appears in the doorway.

KATE

You shouldn't watch scary movies so close to bedtime.

**IN: 10:00:09 INT. INSIDE COTTAGE - DARKNESS**

His flashlight beam finds a BODY -- on the floor --

Will

Kate?

Her lifeless eyes staring at him --

Will

Jamie!

Will now SPINNING himself -- where -- what --

Jamie (CONT'D)

(still faint)

DAD!

Will finds the flashlight. And locates --

A BOX -- just beside KATE'S BODY -- locked with a key --

He opens it --

And there, scrunched up in a ball --

Is JAMIE -- alive -- hands over his head --

**IN: 10:00:14 INT. INSIDE COTTAGE - DARKNESS**

A LIGHT WINKS ON

From outside -- over by the kitchen -- the security light.

ILLUMINATED THERE -- is LIAM FOYLE

**IN: 10:00:15 INT. COURT CELL number 2 - DAY**

Door OPENS. Eerie. Foyle, suited, stares at the wall.

Foyle puts on his shoes. His scalp still bothering him.

WILL

You're defending him.

MAGGIE

 (beat)

You know as well as I do, good or bad.

**IN: 10:00:17 EXT. MIDDLE TEMPLE – day**

Will with Maggie

MAGGIE

Everyone deserves a defence.

**IN: 10:00:19 EXT. WILL’s CAR**

Will sitting in the car

MaGGIE

Mr. Burton will not be in court, as he's a witness, he cannot act for the Crown in any way.

**IN: 10:00:22 INT. prison - CONFERENCE ROOM – day**

Maggie has a meeting with Foyle

FOYLE

So he just has to watch.

**IN: 10:00:25 INT. FOOD COURT - WESTFIELD - NIGHT**

Huge neon SUSHI ROLL dangles over Danny, Harris and Will

Drinking Asahi, eating edamame. Conveyor belt of raw fish.

Will

Foyle had a storage unit.

**IN: 10:00:26 INT. STORAGE company - STAPLES CORNER**

Eileen unlocks the unit. Opens it.

PUSHING INTO THE STORAGE UNIT

And a clear plastic bag. Inside of which

A pair of MUDDIED SIZE 12 CONSTRUCTION BOOTS.

Will

But someone took it on after him. If something's not turning up you need to look for it somewhere else.

**IN: 10:00:29 INT. FOYLE'S HOUSE - DAY**

Foyle has Mary pushed up against the wall.

FOYLE (CONT'D)

What did you make for dinner that night?

EilEEN

Spaghetti Carbonara?

**IN: 10:00:33 Int. Maggie's HOUSE - entrance - night**

Maggie walks in. Her heart thunders. She breathes. Breathes.

JamiE

I should have fought him harder.

**IN: 10:00:36 Int. will's Car - cottage area**

As Will drives around country bends.

Will

Jamie, what are you saying?

JAMIE

I scratched his head.

Will's face -- contorting -- slowing down.

WILL

You scratched him with your hands.

JAMIE

And then I hid.

WILL

You moved.

**IN: 10:00:40 Int. Maggie's chambers - day**

Maggie sitting at her desk flicking through files when her MOBILE RINGS -- she takes it.

Simkins (O.S.)

Forensic team just found DNA at the cottage.

MAGGIE

Foyle's?

SIMKINS (O.S.)

He want’s to meet.

**IN: 10:00:45 Int. Court - day**

Will takes his place on the witness stand.

MAGGIE

(beat)

In the shock and trauma of finding your, you looked up at the window and see a man whose absence from your life would be very useful indeed. But it wasn't that man, was it Mr. Burton?

**IN: 10:00:53 Ext. Old BAILEY**

Will walks out, looking dejected.

MAGGIE

(beat)

You just wanted it to be.

*Music ‘3m02’ in: 10:00:55*

*Music ‘3m01’ out: 10:00:55*

**IN: 10:00:56 GENERIC TITLE SEQUENCE**

The camera pans across the mesh birdcages.

10:00:57 On screen text over live: **DAVID TENNANT**

10:01:03 On screen text over live: **THE ESCAPE ARTIST**

 **Created and Written by**

 **DAVID WOLSTENCROFT**

10:01:09 Title cards over live action

**TOBY KEBBELL**

**SOPHIE OKONEDO**

**BRID BRENNAN**

**KATE DICKIE**

**MONICA DOLAN**

**TONY GARDNER**

**ANTON LESSER**

**ROY MARSDEN**

**STEPHEN WIGHT**

**Produced by**

**PAUL FRIFT**

**HILARY BEVAN JONES**

**Directed by**

**BRIAN WELSH**

**IN: 10:01:42 INT. Burton home - day**

Will and Jamie eat breakfast. Will knows things are going wrong and yet he's trying to be a good Dad. Jamie smiles at him. He returns the smile but it's clear it's a little forced.

Mary catches Will's eye concerned. Will looks away.

**IN: 10:02:13 Int. Meeting room - bailey - day 3 of TRIAL**

Mayfield and Harris sit waiting. Nervous. Checking watches. A COURT CLERK (not Danny) opens the door.

INTO THE ROOM STRIDES

DR. JOHANN LAMBERT. Maggie's beau. Professional expert.

*Music ‘3m02’ out: 10:02:24*

LAMBERT

Thanks... Morning.

MAYFIELD

Morning Doctor Lambert.

JOHANN

Sorry I'm late. Remind me.

HarriS

Low count DNA. Kate Burton.

JOHANN

Oh yeah.

HARRIS

Straight shot this morning, they'll try and trip you on the low count DNA, just make sure you keep your answers simple and to the point.

JOHANN

Thanks for the tip. I've only done this three or four hundred times.

**IN: 10:02:40 INT. High court - DAY**

MAYFIELD on his feet. JOHANN in the dock.

WILL walks into the public gallery -- he can watch now -- he clocks FOYLE -- and MAGGIE -- who know he's watching --

FOYLE listens as MAYFIELD clears his throat. JOHANN in the witness box -- Maggie avoids eye contact.

Will -- stares down at Foyle. Foyle meets his gaze, YAWNS.

MAYFIELD

Did this analysis prove conclusively that the DNA discovered in the cottage matches that of a particular individual?

JOHANN

It did.

MAYFIELD

Whose DNA did the sample match?

WHAM -- a pile of papers falls from the table -- all heads turn to see HARRIS -- red faced -- picking them up --

JOHANN

We matched the sample to the DNA of Mr. Liam Foyle.

Maggie on her feet cross-examining Johann.

JOHANN (CONT'D)

We are very stringent in our quality control. We take our job extremely seriously.

MAGGIE

That is very reassuring. Were you responsible for analysing DNA samples in connection with Crown versus Foyle last year?

JOHANN

I believe so.

MAGGIE

You believe so.

JOHANN

Yes. We were.

MAGGIE

And in order to do that, samples of my client's DNA would have been sent to, and processed by, your lab... is that correct?

JOHANN

Well... Yes. There's a...

MAGGIE

Thank you. So my client's DNA at that time effectively distributed throughout that lab like dust through an old house?

MAYFIELD

My Lord.

Judge

I take it this is leading somewhere.

MagGIE

I am just arriving now my Lord.

OFF WILL -- it's getting hard to stay silent -- he's like the supporter who's seeing his team run ragged

Just when he thinks it can't get worse.

In comes MARY to sit beside him. He rubs his temples.

Maggie is driving her point home in cross-examination.

MAGGIE

Dr. Lambert I have here a sworn statement from your laboratory that confirms a deep clean was recently performed in all clean room areas on the 12th of this month. You brought the schedule forward. Why was that?

Johann stares at her. She just fucked him royally. Mayfield exclaims -- agitated --

MAYFIELD

Oh come on.

Judge

Mr. Mayfield.

Maggie

Dr. Lambert if you please.

*Music ‘3m03’ in: 10:03:48*

JOHANN

We conduct regular cleaning. And we recently decided to increase the number of cleans.

MAGGIE

(talking over him)

Why was the schedule brought forward? I notice that the cleaning schedule is normally enacted on a clear and regulated basis. Something must have happened.

JOHANN

It was necessary.

Johann bites his tongue.

MAGGIE (CONT'D)

Are you or are you not in the process of an internal investigation into the viability of contaminants within the laboratory?

(silence)

Please answer yes or no.

JOHANN

But you can't answer...

Maggie's eyebrow rises. Judge leans forward.

JOHANN (CONT'D)

Yes.

MaggIE

Are you concerned about your failure rate?

JOHANN

Am I? Everyone's concerned about their failure rate. It's an industry wide concern!

As Johann realises what he's done meets Mayfield's eye. Harris is looking to the heavens for help.

A NOISE IN THE GALLERY

It's Will -- walking out -- he's already ahead of this.

ON WILL as he leaves.

MAGGIE o.s.

Thank you.

MAYFIELD o.s.

My Lord this is new information--

Judge o.s.

Should have been disclosed, certainly.

MaggIE o.s.

What's clear beyond doubt is this DNA evidence is utterly compromised.

**IN: 10:04:32 INT. Court - corridor - day**

Will, deep in thought. Mary makes a beeline for her son.

Mary

You have to stop her.

Will

It's a wee bit late for that.

MARY

She's twisting the facts around to make them wrong.

WILL

Doing a good job of it too.

MARY

If we don't have this DNA then what do we have?

WILL

A problem.

CUT TO:

**IN: 10:04:52 Int. Court room - later**

MAYFIELD has called Eileen Morris for the prosecution. This cannot be about her alibi (that's the defence's call) -- it is about the storage unit. However Eileen isn't clear on the distinction.

*Music ‘3m03’ out: 10:04:58*

Eileen

(with confidence)

Spaghetti carbonara and an arctic roll for afters.

Mayfield rolls his eyes as she smiles at Foyle -- did I do okay? Off Maggie -- oh God not now Eileen

MayfiELD

Miss Morris, that's a matter for defence counsel, all I want to ask you about is the search of your storage unit, not the defence alibi, such as it is. Please stick to the matter at hand.

MaggIE

My Lord.

JudGE

Get on with it Mr. Mayfield.

MAYFIELD

Miss Morris you maintain a contract with this storage facility?

EileEN

Yes…I do yes.

MAYFIELD

And when these premises were searched by the police a few days ago, a pair of size twelve boots were recovered from your unit isn't that right?

EILEEN

Yes. The other unit.

MAYFIELD

Are these your boots? They seem rather large for you.

Maggie's already on her feet.

Maggie

What other unit?

(beat)

My Lord this is new information.

MAYFIELD

All new information was given to my learned friend yesterday.

Maggie

Chain of continuity my Lord.

*Music ‘3m04’ in: 10:05:33*

JUdge

(irritated)

Usher.

**IN: 10:05:41 INT. JUDGES' ROOM - LATER**

Judge, Maggie, Mayfield and Harris. Private audience.

MAYFIELD

The warrant is for Eileen Morris' possessions in the storage unit.

Maggie

They had no authority to search F38. Only F37. The search on F38 was unlawful.

MAYFIELD

If defence had a problem with the evidence they should have argued it at the appropriate time, not now.

MAGGIE

The issue has only now come to light. Foyle's previous use of F37 connects him to it and therefore falls within the chain of continuity. F38 was entirely separate. Judge I will obviously be asking you to exclude this evidence under Section 78?

MAYFIELD

It was the unit next door!

Judge

And should you request I will no doubt accede.

Mayfield has just about had it -- it's the Judge's call.

MAGGIE

(check mate)

I then respectfully submit my Lord that there is no case to answer. In the absence of any viable evidence.

Mayfield

There's compelling evidence!

MAGGIE

The eyewitness evidence of a broken man -- alone and devastated in the dark.

As the judge considers it -- Mayfield seething.

**IN: 10:06:46 Int. Old bailey - corridor - later**

Will waits -- expecting the worst. Mayfield and Harris walk past. Will can see it in their eyes. Mayfield shakes his head.

Judge (V.O.)

Having heard arguments from counsel as to the strength of the evidence at this stage of the trial, I have concluded the following. There is insufficient evidence for the case to continue for your consideration.

**IN: 10:07:04 INT. Old bailey. Courtroom - DAy**

Will sits in the viewing gallery.

Judge

For that reason, on my direction you will return a verdict of not guilty.

Usher

On his Lordships direction, do you find the defendant not guilty?

Foreman

Not guilty.

UshER

And is that the verdict of you all.

ForemaN

Yes.

Usher

All rise.

Judge

Mr. Foyle, you may leave the dock.

**IN: 10:07:38 Int. Court - corridor - day**

Maggie ushers FOYLE to a quieter area -- SIMKINS in tow.

SIMKINS

Congratulations.

MagGIE

Thanks.

Maggie smiles, anxious -- Foyle steps forward

Foyle

Margaret.

Foyle smiles. Holds out his hand to her.

FoylE (CONT'D)

Thank you my friend.

She takes her hand -- drops it as soon as she can.

MAGGIE

Pleasure. Take care.

Foyle walks around the corner -- to be faced by WILL. DANNY. MAYFIELD. HARRIS.

It's High Noon.

Foyle nods in greeting. Scratches his head.

From nowhere Danny sprints in -- and kicks Foyle in the balls.

Falls over. Chaos. As security run over, Danny's on his feet -- accusatory and loud

*Music ‘3m04’ out: 10:08:24*

DanNY

Ooh, are you alright there mate. My foot slipped. Yeah?

Foyle meets Danny's eye -- the pain is like nectar to Foyle and it shows -- Danny deeply unsettled -- goes back to Will.

CUT TO:

**IN: 10:08:32 Ext. STREET - OUTSIDE JAMIE'S school - day**

A large GATE. Will watches Jamie playing football in the playground for a while before shouting his son over.

*Music ‘3m05’ in: 10:08:47*

Will

Jamie!

He looks up and sees his Dad. Will shakes his head. Jamie gets it. Runs over to him.

Jamie's teacher HELEN meets Will's eyes -- sympathy.

Will just hugs his son.

CUT TO:

**IN: 10:09:04 Int. Maggie's chambers - day**

Maggie walks in -- spent. Ready to pack up and go home.

What she faces is a mirror of Will's triumphant return in Ep 1.

Her fellow tenants applaud. QCs nod in admiration. BALFOUR waits for her with a gift.

BALFOUR

There she blows.

(clay pigeon shooting)

Pull!

POP! Someone uncorks a Magnum of champers. Pours a glass.

MAGGIE -- she may not be in the mood -- summons a smile --

BALFOUR (CONT'D)

A consummate performance. First class. This is for you. I believe you've earnt it.

A CLERK drops a brief into her hand. She smiles.

BALFOUR (CONT'D)

Pretty juicy too.

She takes a champagne flute.

MaggIE

Oh… Thank you

Then walks over to her office.

**IN: 10:09:27 Int. Maggie's office - day**

She opens the brief -- HORRIFIC PICTURES SPILL OUT -- for a moment.

OFF Maggie -- reflected in her glasses -- a child's face.

**IN: 10:09:56 Int. Cab - night**

Driving through late night London.

**IN: 10:10:17 EXT. Hospital - A&E - NIGHT**

Vadim is a hospital porter on a cigarette break. Vadim's eyes mist over when he sees WILL approach.

Will

Vadim.

*Music ‘3m04’ out: 10:10:331*

VaDIM

Excuse me. Mr. Will,

Will

You’re looking well.

VaDIM

I am so sorry to hear about your wife.

He's genuinely upset -- tears in his eyes now.

Will

Thank you.

VADIM

If there's anything I can do for you...

The question hangs in the air.

WILL

What time do you finish work?

*Music ‘3m06’ in: 10:10:42*

**IN: 10:10:42 Int. Climbing wall - NIGHT**

A pair of gnawed fingernails curl around a handhold. Pulling himself up into a precipitous position.

LIAM FOYLE

Quite the accomplished climber. Bouldering requires enormous strength -- often hidden within sinewy, limber bodies.

He's sweating. Breathing hard through his nose.

**IN: 10:11:37 INT. changing room - same timE**

Foyle walks in, sweaty -- nearly bumping into.

VADIM -- who saunters out. BEHIND VADIM as he exits we see:

A NOTICEBOARD

For the climbing club. "UPCOMING TRIPS". "SIGN UP HERE".

There's a picture of a LARGE CABIN amongst the papers.

**IN: 10:12:01 INT. CAR WASH OFFICE - SAME TIME**

A makeshift breakroom in a corner. Shambles. Coffee. As Vadim enters, a SKINHEADED MAN -- maybe a cousin -- stands.

They move to a BACK ROOM. Filled with computers HUMMING. Something dodgy going on back here.

Vadim puts his FOOT ON A CHAIR. Pulls up his pant leg to reveal a CARD SKIMMER -- what thieves use to clone credit cards. His cousin takes it from Vadim.

Out pops a USB plug which the SKINHEAD sticks into the computer. He hits the keyboard.

Vadim

I clone it first.

A CREDIT CARD number pops up with the name of the owner:

VISA DEBIT 3882 220428 14002

Vadim pats him on the shoulder -- says something in Russian. Skinhead nods, gets back to work -- HACKING.

We get the feeling this isn't his first time.

CUT TO:

**IN: 10:12:25 EXT. Burton HOME - niGHT**

Will appears. A BLUE SUBARU (same one that Vadim passed in the car wash scene earlier) PULLS UP -- Vadim inside.

Vadim gets out and passes Will an ENVELOPE.

Vadim

The name you wanted. Ben Alligin.

Will nods. Thanks him. Vadim drives away -- Will turns.

MAGGIE is there -- watching him -- she's frazzled by what's just happened -- trying very hard to hide it.

*Music ‘3m06’ out: 10:13:14*

MaggiE

Hi.

Will nods -- perhaps touched -- still closed down.

MaggiE (CONT'D)

Sorry. I just -- wanted to come and...

(beat)

I'm not sure why I came actually.

Maggie looks at the envelope in Will's hand -- back to where the car just was -- curiosity piqued.

MagGIE (CONT'D)

Was that who I think it was?

Will is nervous on the inside for reasons we might not understand at the moment -- he covers well.

Will

I would have thought you'd be out celebrating.

MAGGIE

(discombobulated)

No -- I was...

(back to her intent)

I am sorry -- this was just...

WILL

Your job.

Maggie nods -- Will looks at her -- highly charged.

MaggIE

No hard feelings.

(Will stares at her)

By which I mean...

WILL

Watch yourself, Maggie.

And he walks away. Maggie's considering going after him -- thinks the better of it -- still puzzled by the man in the car

*Music ‘3m07’ in: 10:13:47*

**IN: 10:13:46 INT. Maggie's house - night**

Maggie enters, puts down her keys, next to a package.

PULL BACK

It's the elephant in the room and it's only after a few moments that Maggie realises it's there.

She stares at it. Confused. How the fuck did THAT get here.

Suddenly on edge.

She rips off the packaging.

ANOTHER ANGLE

As we see Maggie's reaction to the present. We do not yet know what the hell it is. Only that she starts to TREMBLE AND CRY.

**IN: 10:14:29 INT. Maggie's house - LATER**

Maggie, spooked, in tears, on her mobile...

PULLING BACK

To the kitchen counter. Sitting there out of place in its wrapping paper like the obelisk in 2001.

It's a box of tea. Specifically: Crystal Flush Makaibari Silver Tips Imperial Darjeeling...

MaggIE

Can I… Can I come round? Tonight? Please, I'm freaking out...

JOHANN

I think this is most inappropriate.

MAGGIE

Come on. Think. How did he know? There's no way he could have known.

JohANN

If you are that concerned, I suggest you should call the police.

MagGIE

Blasphemy 10:14:58 Oh **God**. I'm just -- completely.

**IN: 10:15:01 EXT. Park - night**

Vadim walks with his messenger bag. Puts an envelope in a DUSTBIN. Walks on.

*Music ‘3m07’ out: 10:15:17*

**IN: 10:15:16 INT. Corner office - day**

Will sits in the office with Mayfield. Mayfield has a little more space. Failing upwards.

MAYFIELD

We have a window for appeal. Maybe not now, but...

WILL

Oh come on.

MAYFIELD

Well, optimism was never...

WILL

Forget it. We lost. It's over.

*Music ‘3m08’ in: 10:15:40*

**IN: 10:15:39 INT. burton home - kitchen - day**

Will makes Jamie tea at home. He hugs his father, who hugs him back. Will's eyeline gives him sight of a PHOTO.

It's of Will, Kate and Jamie -- in younger, happier times.

At a gorgeous SEASIDE COTTAGE on a rocky beach.

MATCH TO:

**IN: 10:16:12 Ext. Seaside - day**

The same cottage, the same rocky beach. A father and son hunt for shells. It's WILL (now with unkempt stubble) and Jamie.

CAR pulls up -- a MERCEDES -- it's Danny. Stiff breeze as he peers over at the lovely scene.

Danny

Will!

Will sees him -- waves. Jamie too.

Danny waves back.

Will

Come on then.

**IN: 10:17:02 EXT. cottage garden - day**

Will and Danny, Jamie kicking a ball on the beach.

DanNY

I never knew about this place.

Will

Kate's cousin lets us use it every now and then. Cracking bottle of wine inside, if you're interested?

Danny's face -- he's interested.

*Music ‘3m08’ out: 10:17:17*

**IN: 10:17:19 EXT. cottage garden - day**

The table is set. Bread, cheese, milk, coffee, tea, a bottle of wine -- supplies. Pans on a portable stove

Keeps a close eye on Will as he adds a couple of logs to the fire. As he does, Jamie hangs his wet socks on the door.

DanNY

Tell you what, took some real sleuthing to find you.

Will

You know my methods, Watson. Red or white?

Danny

Err... You chose.

Jamie walks over and jumps on Danny's back..

Jamie

How are you Danny?

DanNY

All the better for seeing you mate.

Will

Pop those in the pot would you?

Danny looks at the bag -- confused -- opens it --

POURS OUT THE CONTENTS into a LARGE BOWL next to the stove, which already has a large POT of WATER on it.

The contents of the bag: SHELLS -- mussels, limpets, whelks.

DANNY

Alive alive o.

WILL

Now you're talking.

Will takes out a PENKNIFE. Switches on the range under the water. He moves to the bowl and starts shucking the shells, cutting off the unappealing black filter sacs.

Will (CONT'D)

You pasta, me sauce.

DANNY

Did you need a permit for those?

WILL

Public right to fish in tidal waters. Malcomson v. O'Dea, 1863. And before that, the Magna Carta. Though to be fair, it's not actually mentioned at all in the Magna Carta. Everybody thinks it was. So strictly speaking, right now, we just broke the law.

DANNY

Well. To be precise. You did.

WILL

Except now you're an accessory.

Jamie

What about me?

Will

Probably just a caution.

DANNY

Well. Thanks.

WILL

You're very welcome. Now stop crying and pour some wine.

**IN: 10:18:11 INT. Outside cottage - night**

WILL AND DANNY sat in front of the fire.

Another bottle open between them.

DanNY

Not even a civil suit.

Will

We're not going in that direction. Even if we get him, no one wins. And nothing's going to bring her back.

Danny

We just going to sit here then?

Will shrugs -- a little mardy.

Will

You keeping busy?

DANNY

I've been offered Chambers Manager at Citadel.

(off Will's puzzlement)

Manchester.

WILL

You do know what they do to QPR supporters there, don't you?

Danny smiles. It fades.

Will (CONT'D)

I am sorry you had to take that fall Danny.

They clink glasses.

DANNY

You had us all worried there for a minute. Disappearing like that.

WILL

Why's that?

DANNY

You always seem so planned.

Will laughs.

WilL

You've never seen the school run.

DANNY

I mean it’s not like you to do anything on the fly.

Will stares into the dark night.

WILL

Well that's me all over, Danny.

(beat)

I'm just full of surprises.

*Music ‘3m09’ in: 10:19:17*

**IN: 10:19:19 ext. Berwick-upon-tweed - daY**

Railway station. Will, Jamie, and Mary take the air beside Danny and his MERCEDES.

Danny

How long does it take to get to Edinburgh?

Mary

Ten minutes. The way you drive.

Will

Try not to take off, okay.

A very tender scene -- we might think Will's a little more anxious than he should be for parting company for just a day.

Will (CONT'D)

I'll be back as soon as I can, okay? Look after Granny for me.

Jamie nods. Will's trembling.

JamiE

Dad.

Will looks at his son.

Jamie (CONT'D)

You're shaking.

Will nods. Kisses Jamie's head.

Danny drives Jamie and Mary away. Will watches them.

His face hardens

**IN: 10:20:27 INT. CRIMINAL BARRISTERS - carlisle - day**

Criminal barristers -- cheap and cheerful. Exhausted and slightly confused CHAMBERS DIRECTOR is interviewing WILL. Trying to work out exactly why Lionel Messi is asking to come and play for Skelmersdale United:

Chambers director

Look, I mean if you really were thinking about coming here... Obviously we'd be very interested in having you join the set...

WILL

I'm actively looking. My family needs a change of scene so...

CHAMBERS DIRECTOR

Ah, well for families, it's a lovely place. You should rent a car and drive around a bit while you're here. See the scenery.

WILL

I might just do that.

**IN: 10:20:56 EXT. Kielder water - day**

Natural beauty.

WILL'S rented FORD FOCUS drives down the road.

**IN: 10:21:07 INT. Car - same time**

Will takes in the vistas. A calm descends. Solitude.

**IN: 10:21:21 EXT. lake - DAY**

FIND WILL -- leaning against a wall -- looking at the scenery -- sipping a coffee. Taking a moment.

Maybe this would be a great place to live.

**IN: 10:21:43 Ext. Pub - day**

Establisher.

*Music ‘3m09’ out: 10:22:01*

**IN: 10:21:48 INT. PUB - day**

Will walks in. He hits the bar. Waits to be served. Merriment and laughter o.s. He glances up to the mirror.

BY THE WINDOW

A group of CLIMBERS are chatting and laughing.

Bartender

What would you like?

Will

Mind if I use your loo?

Bartender nods, points -- a bit annoyed.

Will (CONT'D)

Thanks.

Will picks his way past the bar to the bathroom.

**IN: 10:22:10 INT. PUB TOILETS - DAY**

A vast pissoir with a small metal mirror above. Next to it, a single stall with the door closed.

Will relieves himself. A toilet flushes and the door opens.

A MAN exits.

Will barely notices him -- until the man washes his hands.

It's FOYLE. It's HIM.

A moment of total silence.

IN REFLECTION

*Music ‘3m10’ in: 10:22:28*

Will watches him, frozen. Foyle clears his throat and spits in the sink. Goes over to the hand dryer. It's not working. Foyle hits it. Still not working. His hands drip with water.

If Foyle were to look over at him now, he'd see Will's face in the reflection of the mirror.

A PEAL OF LAUGHTER from outside in the bar distracts him in the other direction -- Foyle's missing out.

He wipes his hands on his sweater and exits.

Will EXHALES.

CUT TO:

**IN: 10:23:02 INT. PUB - day**

Will comes back into the bar.

**IN: 10:23:04 Ext. PUB Car park - day**

The climbers are all piling into their cars. Foyle in his Land Rover. He drives off, kit in the back.

PULLING BACK

To Will, as he waits -- then pulls out -- following.

**IN: 10:23:43 Ext/int. WilL'S CAR - day**

Will follows Foyle.

**IN: 10:23:57 EXT. Remote area - DAY**

Foyle turns off the main road onto a dirt track.

Will continues to follow at a discreet distance.

**IN: 10:24:27 EXT. Remote area - DAY**

The car leading toot's its horn and goes straight on. Foyle drives off the road onto a dirt track. Past a sign.

The sign features the name of the house:

*BEINN ALLIGIN*

This is the "Ben Alligin" that Vadim told Will about.

Will slows down, then continues along the road.

**IN: 10:24:57 Ext. Remote house - DUSK**

A surprisingly spacious cabin. A basement area, raised ground floor.

PULLING BACK

Through a maze of vast pines. The deep dark wood. Wilderness.

Here -- in the half-light -- a perfect vantage point.

FIND Will -- looking up at the structure.

It's all coming back to him. Kate. The trial. The injustice. The never ending ache of losing her. All five stages of the bereavement cycle in a solitary moment. Finally. From crisis comes: decision I cannot let this pass.

CUT TO:

**IN: 10:25:44 EXT. Driveway - DUSK**

From Will's POV.

Foyle comes out the cabin. Grabs an axe from a vast chopping block and a large log from a pile.

He CLEAVES the wood in two. Lodges the axe in the block again.

A CREAK in the house makes him stop. The wind? He's attuned.

He carries one segment of the firewood to the front door.

**IN: 10:26:31 INT. CABIN - DUSK**

Darkness. The door opens. Foyle walks in.

Lights are on upstairs. Shadows below.

Foyle drops the firewood. Opens a freezer door.

ANOTHER ANGLE

As he opens the freezer door -- the light spills out

REVEALING WILL

Standing in a corner. Watching him. Just as Foyle did to Kate. Not that Will would know that -- but the feeling's the same.

Foyle, unaware of Will, shuts the fridge/freezer door. Walks back to the entrance way that designates "house" from "garage".

Heads up the stairs. We FOLLOW HIM.

UPSTAIRS

Where Foyle turns RIGHT into a long hallway. As he moves.

*Music ‘3m10’ out: 10:27:18*

Foyle

What's the law on home invasion these days? I'm a little cloudy.

He opens a door at the LEFT on the far end and enters.

We TURN BACK to the stairs to find

WILL

Who has just climbed them silently. Heard through the wall:

FoyLE O.S.

(from the far end)

What's a proportionate response to someone surprised in their home by a stranger?

We're OVER WILL'S SHOULDER NOW as he walks slowly down the hallway towards THAT DOOR. No Foyle anywhere.

Will's by the door now. Silence.

Will

I need to ask you something.

FROM BEHIND WILL -- the direction of the sound has CHANGED.

Foyle

I am on Facebook.

Will turns -- FOYLE is now -- somehow -- at the FIRST PORTION of the hallway. The reality of the cabin layout is there's an interconnecting door between two rooms, which gave Foyle the ability to double back unseen.

The two men stare each other down.

WilL

I know.

A flash of concern in Foyle -- was that how he found it?

FOYLE

Well you are here now, so you can ask me what ever you like.

Will steps towards him. Foyle BACKPEDALS INTO:

THE GREAT ROOM

Which is where we'd be if we'd turned LEFT from the stairs.

It's a cathedral ceilinged expanse of pine. A primitive kitchen area in the far corner. A stove and a kettle on the flame.

The room is lit by the light of a ROARING FIRE and a series of PARRAFIN LAMPS. Some on the counter. Some on the windowsills.

Foyle in all his glory.

Will

When did you decide to kill my wife?

The kettle is starting to WHISTLE ON THE FLAME.

WILL (CONT'D)

Please. I need to know. When you killed her. Did she die quickly?

Foyle eyes him. A temper brewing.

Foyle

Are you a bit of a character? Are you? Are you all the way up there? Looking all the way down here? Do you think I'm a little bit stupid?

*Music ‘3m11’ in: 10:28:40*

FOYLE RUSHES WILL with such FEROCITY and SPEED we will JUMP. Will is not ready for just how primally STRONG Foyle is.

They CAREEN over -- KNOCKING A PARAFFIN LAMP FLYING.

Just before he falls, Will BRINGS UP HIS HAND -- connecting with Foyle's shoulder -- falling as he does --

WHAM! -- onto the floor -- Will hits his head – dazed.

His SMARTPHONE CLATTERS TO THE FLOOR from his POCKET (he still has something in his hand -- the KNIFE)

Foyle stares at it -- the VOICE MEMO APP is up and running --

ELAPSED TIME: 13:44

Will's been RECORDING THIS ENTIRE INTERACTION.

Foyle presses "stop"| on the recording.

Moves over to Will -- who is scrambling back -- unable to get up -- making for the back wall.

Foyle is now standing over him. Alpha.

Stares down at his shoulder. A flesh wound. A bleeding line.

In Will's hand -- a SMALL BLOODY KNIFE.

Foyle touches the oozing blood with his finger. Tastes it.

Smiles a bloody-toothed smile at Will.

Almost pleased about this situation.

FOYLE (CONT'D)

You're going about this all wrong.

WILL

You're the expert.

Foyle laughs.

Will'S VOICE

(on recording)

When did you decide to kill my wife?

FOYLE

You and your brain.

OVER THE FOLLOWING

Foyle starts to cough harder. Swallowing becomes more difficult. Something in his throat. By the time he's finished there will be HIVES breaking out on his face.

FOYLE (CONT'D)

Ever seen one? A brain? Up close?

(Will doesn't respond)

Looks like a cauliflower. Neocortex looks like icing.

(beat)

They say "It's what separates us from the animals”.

(beat)

We -- are -- animals. We are mammals.

Foyle (CONT'D)

(beat)

Like a lion. You don't blame a lion for being a lion, would you Will...Especially if you were the one who let him out.

Will

How do you live with yourself?

FOYLE

I forgive myself. How do you live with yourself?

Foyle realises just how much shit he's in.. He's in considerable discomfort now. He turns back to the wound. Looks down at Will -- and the KNIFE.

Things get VERY WORSE -- VERY QUICKLY -- an ACCELERATION -- his EYES and LIPS SWELL. His THROAT. Suffocating him --

Foyle (CONT'D)

Aren't you very...

His eyes are closing -- opening -- closing -- opening --

Foyle (CONT'D)

Clever.

A look of authentic DREAD crosses Foyle.

More coughing -- wheezing -- Foyle's eyes widen -- he flails around. Pats his sides like he's lost his keys.

Points at a COAT HOOK by the front door .

Foyle tries to stumble towards the coat hook

Will doesn't get out of the way -- Foyle has to PUSH HIM

Meanwhile -- his eyelids are inflating -- his hands at his throat -- trembling

A few HIVES appearing on his skin

FOYLE staggering knocks over the paraffin lamp.

A dangerous situation. Foyle seems to know what that means and does nothing about it.

A HIGH PITCHED NOISE filtering in -- it's called STIDOR -- when the upper airway is obstructed -- ethereal and terrifying

Forcing the words out

Foyle (CONT'D)

THE PEN. GET THE PEN.

HIVES swell up on Foyle's NECK. CHEEK. EYES.

His eyes are now starting to close. His hands move out to Will. Shaking his HAND -- right in Will's face

Foyle grabs at an ALLERGY NECKLACE around his neck -- proffers it to Will -- Will reads the information on the back of the necklace.

ON FOYLE'S FACE - Genuine mortal terror. HE KNOWS THIS MAY WELL KILL HIM.

Foyle (CONT'D)

(pleading tone)

I don't want to die.

Will stands over the writhing FOYLE -- picks up his phone --

Dialing -- 999.

WILL

Ambulance.

Scottish voice

It's an oval tube.

WILL V.O.

Oval -- tube. Yes, yes... it's grey with an orange end.

ScoTTISH VOICE

Yes, that's it.

WILL stands before us. Blood on his face. Freaked out.

On his mobile.

WILL

Hang on sticking you on speaker.

He SLAMS down his mobile onto a sofa. Speakerphone:

WilL (CONT'D)

Can you still hear me?

VOICE

Yes I can hear you. Are you holding the tube?

Will

Yeah.

VOICE

Now put your fist around the tube.

Will

Okay.

Will holds up the Epipen. Carefully holds it.

VOICE

Hold the orange tip near the thigh.

WILL

He's got his trousers on.

VOICE

The needle will go through the clothing. Hold the orange tip near his thigh and with your other hand, pull off the blue safety release.

He pulls off a tab.

Will

Done that.

Voice

Now swing and firmly push the tip against the thigh until it clicks. Then hold it there for ten seconds.

(beat)

Did you get that?

WILL

Swing. Click. Wait. Okay. Here goes.

We FOLLOW HIM DOWN -- and see him

SWING THE EPIPEN DOWN out of frame. Holding it.

We hear a CHING -- like a SPRING-LOADED LOCK.

WilL (CONT'D)

What was that?

Voice

You probably heard the needle mechanism, it's spring-loaded.

WILL

Okay.

Tick tick tick.

Voice

The drug in the Epipen should keep him steady til the ambulance gets there.. Are you still with me?

WILL

Yeah.

VOICE

You're doing great.

WILL

What now.

ScotTISH VOICE

Okay you can take it out. Look at the barrel. Is there a red strip visible on the barrel? That will tell you that the drug went in.

Will

Hang on. I can't see it.

ScotTISH VOICE

Just above the writing there's a window.

He does -- TURNING AWAY FROM FOYLE NOW

Will is moving quickly all of a sudden -- with purpose.

He moves into the light -- examines the ORANGE TIP of the EPIPEN (which hides the needle within -- it's hard to tell if it deployed or not) -- peering at it.

Will turns the barrel.

WILL

Oh. Yes! Yes, yes, yes, it's there.

VOICE

Is the patient responding?

Will is still deep in thought, staring at his phone.

He looks back at FOYLE.

Except.

Foyle is no longer there.

He doesn't see -- from behind.

FOYLE

Somehow -- the man is standing -- a fucking ZOMBIE --

A CREATURE FROM HELL -- as he SWINGS a POKER at Will and...

Voice (CONT'D)

Sir?

WHAM! Will's down. Lying on the stairs, head down.

Foyle SLUMPS against the wall -- SWOLLEN BEYOND RECOGNITION.

VOICE (CONT'D)

Sir? Hello? Hello? Anybody hear me? Hello? Is there anybody there? Hello? Sir?

Agonising beat.

Finally: Will stirs. Coughs. Opens his eyes. Sees the flames.

CUT TO:

**IN: 10:32:51 EXT. The cabin - DUSK**

WILL CARRIES FOYLE OUT OF THE BURNING BUILDING.

He staggers a few more steps before being met by PARAMEDICS who ease Foyle onto a stretcher on the ground.

FOYLE is swollen, covered in welts and hives, eyes shut. Paramedic 1 opens his kit bag, pulls out a SYRINGE.

PARAMEDIC

Are you alright?

WILL

Bit of smoke.

PARAMEDIC

Just the two of you in there?

WILL

Yeah

Will nods -- Paramedic stabs the needle into Foyle's leg. He JUMPS. Paramedic 2 whips an OXYGEN MASK over his face.

PARAMEDIC (CONT'D)

Vasodilation -- capillary leak.

Will

Is he going to be okay?

His colleague now notices Foyles shoulder.

ParaMEDIC 2

Bad shoulder bleed here.

Paramedic 1

Let's just concentrate on his breathing to begin with.

His colleague FLICKS another syringe -- as PARAMEDIC ONE stares at the flames -- then back to the OXYGEN CYLINDER --

ParaMEDIC 1 (CONT'D)

Okay mate, there you are, you are going to be alright. We are the paramedic's.

Will tries not to react --

The paramedics HEFT Foyle into the AMBULANCE -- as PARAMEDIC 2 runs round to the cab --

ParaMEDIC 1 (CONT'D)

You'd better come with us

WILL

My cars just over there.

PARAMEDIC 1

No mate, we can't leave you here – you’re going to come with us. Bring that green bag please. One two three, lift. Okay, let's go.

**IN: 10:33:36 EXT. ROAD - NIGHT**

The AMBULANCE powers along the road -- siren blaring --

FIRE ENGINE and POLICE CARS ZOOM PAST in the other direction.

**IN: 10:33:44 INT. ambulance - night**

Will is seated UP FRONT with the driver.

The ambulance is crossing what looks like a BRIDGE.

Paramedics in the BACK are pumping Foyle's chest. Trying everything to resuss him. He's a mess. Bloated, swollen, blue.

Will keeps turning back to look. Coughing.

ParaMEDIC

Lucky your friend was there, he used your Epipen, we've got some more adrenalin ready if you need it, alright. Everything is ok. I know your breathing is not that easy at the moment, but we will be in the hospital in 5 minutes, okay. So you just hang on there. Just open your eyes.

Foyle FLATLINES.

ParaMEDIC (CONT'D)

He's lost his pulse, start chest compressions. Okay, one milligram of adrenalin. Okay, well done. Alright mate.

Will

Can I open a window? I think I'm going to be sick..

ParaMEDIC

He’s arrested in the back…

Will OPENS THE WINDOW -- STICKS HIS HEAD OUT.

**IN: 10:34:09 Ext. A&E - night**

Ambulance already parked up -- paramedics wheel Foyle out -- he's turned completely blue -- Will exits with him.

POLICE CARS parked up here. UNIFORMS and CID milling around.

Will follows FOYLE ON THE STRETCHER

**IN: 10:34:22 INT. A&E - NIGHT**

A crash team is waiting -- Will goes as far as he can.

They enter a CRASH ROOM -- pulling the curtain.

As Will hears a familiar sound -- the FLATLINE.

Police OFFICER

William Burton? Will you come with us please?

**IN: 10:35:38 Ext. Hospital - A&E - night**

Two police officers interview Will as patients’ come and go.

Police OFFICER

Did you and Mr. Foyle have any interactions?

Will

Yes. He attacked me, and so I stabbed him.

*Music ‘3m11’ out: 10:35:18*

He reaches into his pocket -- produces the bloody knife -- held in the flat of his palm -- unthreatening gesture.

Will (CONT'D)

With this.

*Music ‘3m12’ in: 10:35:51*

The police REACT.

**IN: 10:35:54 EXT. maggie's chambers - day**

Maggie walking to chambers;.

Clasps a small coffee cup in a cardboard sleeve.

**IN: 10:36:02 INT. MaggIE'S CHAMBERS**

Maggie sits at her desk.

Balfour

Quite a shock, don't you think?

Maggie turns -- regards him quizzically.

Maggie

What is?

Balfour has his iPad out -- holds it out to show her.

INSERT: THE SCOTSMAN'S NEWS SITE with a MUGSHOT of FOYLE.

"CRIMINAL BARRISTER HELD ON MURDER CHARGE."

Underneath, a picture of FOYLE. "THE VICTIM".

Maggie (CONT'D)

He's dead?

Relief clear on her face.

Balfour

Keep reading.

She does -- reaching the words WILLIAM BURTON.

Maggie nods -- in horror -- in relief -- conflicted as hell.

CUT TO:

**IN: 10:36:32 Ext. PoliCe van**

Will is taken from the back of the police van and led into the station

**IN: 10:36:55 INT. SAUGHTON MAIN HALL - DAY**

Will's led to his cell. Catcalls from the cells. Terrifying.

**IN: 10:37:17 INT. MAGGIE'S BEDROOM - NIGHT**

Maggie is surrounded by papers. Dozing.

She WAKES UP BOLT UPRIGHT. A lightning strike of insight.

**IN: 10:37:30 Ext. CAR WaSH - NIGHT**

Same place Will went to see Vadim.

Maggie is getting her car washed.

*Music ‘3m12’ out: 10:37:36*

MaggiE

(ahem)

Excuse me. Does Vadim Kumarin still work here?

The man shakes his head. Maggie absorbs this.

Maggie (CONT'D)

Do you know where he might be?. Do you know.... Okay

SLAM. End of conversation.

**IN: 10:37:52 INT. Prison meeting room - day**

Jenny

Welcome to Scotland.

Jenny walks over and sits down with Will. She has a typed letter in her hand (A4 sheet).

Will

Is that where I am. I wondered why everyone here was Scottish.

A dark edge to Will's joke that Jenny decides to avoid. Other things on her mind.

Jenny

Good news from the Fiscal. They're saying they'd recommend acceptance if you offered a Section 76 plea of culpable homicide. Probably a thirty percent discount on sentence, that's nine years at most. Out in six.

WILL

And that's good news because...

JENNY

Because you're in serious trouble. If you're going not guilty, that's a murder trial, and the Crown's going to be all out for your blood.

She shows him the letter.

JenNY (CONT'D)

Look, I typed up a draft plea offer for you.

(he eyes her coldly)

This is a choice. Life with a minimum of twenty years for murder... or sign the offer, do six years and see your son finish school. Instead of missing the whole thing.

WILL

I'm not missing. A single second.

JENNY

Don't be like this. Come on. You need to seriously consider this.

WILL

Do you think I did it?

JENNY

No. No. Course I don't.

His eyes are blazing. She puts the letter on the table. Will doesn't touch it.

WILL

Make sure you recycle that.

Jenny shakes her head. He takes her papers.

Will (CONT'D)

I appreciate you coming down Jen. But I think I'll do it myself.

Jenny

You can't.

WILL

I can. In fact. I can do all of it myself.

JENNY

No you can't. This is Scots law, idiot. A thousand differences.

WILL

Renton and Brown, right? That's a punchy read.

She looks at him -- it's a Scottish law book.

Will (CONT'D)

You've always been there for me. And I'm sorry. But it's not going to work out.

JENNY

What do you think you are doing? Eh? I'm trying to help you here.

*Music ‘3m13’ in: 10:39:44*

WILL

I know. And thank you.

(beat)

But I'll take it from here.

CUT TO:

**IN: 10:39:51 INT./EXT. MAGGIE'S CAR - round corner from hospital - NIGHT**

Maggie sits in her car. Watching in her REAR VIEW MIRROR.

VADIM exits.

**IN: 10:40:11 EXT. HIGH COURT - EDINBURGH**

A statue of DAVID HUME sits outside.

**IN: 10:40:15 INT. SCOTTISh Courtroom - day**

A "MACER" -- a robed and serious man carrying a MACE -- parades into the room, followed by the judge.

MACER

Court.

This is the "all rise" of a Scottish court. The "MACER" places the MACE of justice on a hanger attached to the wall.

The judge bows to the court and the counsel et al bow back.

A jury of fifteen looks on.

*Music ‘3m13’ out: 10:41:01*

CLERK OF THE COURT v.o.

Ladies and gentlemen the charge on the indictment is that on the 23rd of March at a house near Overton in Kielder Forest, Scotland. William Burton did assault Liam Michael Foyle and did stab on the body continuously with a knife containing thereon a substance knowing that this would cause severe injury anaphylaxis and death to the recipient, and he did murder him.

Clerk

Call the diet of Her Majesty's advocate against William Burton.

OFF WILL -- as he stands -- turns around and catches the eyes of Mary, Jenny, and now Danny and Harris in the gallery. He nods in gratitude.

Judge

We have no opening speeches in Scottish courts, Mr. Burton. Just in case you were planning on making one at this stage.

Will holds what looks like a speech in his hand.

Will

(new information)

Oh. Really?

Advocate Depute looks up -- smirks -- easy prey --

Judge

Mr. Burton. You know you've been strongly advised against representing yourself.

WILL

That has been made very clear my Lord.

JUDGE

Very well.

WILL

Can I move my papers to the table?

CLERK

No.

WILL

I can't very well run my case from the dock can I?

JUDGE

That, Mr. Burton, is exactly what you are going to do.

Horrified. Danny and Harris look at each other.

DannY

What. Are you doing?

An ADVOCATE DEPUTE in robes and a wig -- with an expert. Prosecution case comes first.

ADVOCATE

Was this a common allergy?

PATHOLOGIST

Not really. It's an allergy to a particular gastropod. Specifically, limpets.

ADVOCATE

He was deathly allergic to limpets?

PATHOLOGIST

More specifically an active protein known as tropomyosin.

ADVOCATe

And where was this allergen? How did Mr. Foyle come into contact with it?

PATHOLOGIST

Localised swelling at the wound site suggest it may have been present on the weapon used to injure him before he died.

ADVOCATE

Thank you Doctor.

Judge

Mr. Burton?

Will

(considers it)

No thank you. My Lord.

Will goes back to writing notes -- doesn't look up.

The Advocates are barely able to contain their glee. Even the Judge is wide-eyed... Why? Because:

JudGE

Mr. Burton, you are aware of course that once you give evidence on your own behalf you are opening yourself up to cross-examination by the Crown?

Will eyes them both with a look -- it's deeply unsettling.

Will

Very well aware my Lord.

Advocate stares at him -- hard swallow. Will WANTS this.

**SAME SCENE - LATER**

A 999 call is played out -- the same one Will made.

WILL

What now.

ScotTISH VOICE (CONT'D)

Okay you can take it out. Look at the barrel. Is there a red strip visible on the barrel? That will tell you that the drug went in.

Will

Hang on. I can't see it.

ScotTISH VOICE

Just above the writing there's a window.

WILL

Oh. Yes! Yes, yes, yes, it's there.

ScotTISH VOICE

Is the patient responding?

Voice (CONT'D)

Sir?

VOICE (CONT'D)

Anybody hear me?

Agonising beat.

WILL is NOW IN THE WITNESS BOX.

AdVOCATE

You appear to be very calm during this interaction. Were you?

Will

I was trying to be.

ADVOCATE

What were you doing in Kielder Forest, Mr. Burton?

WILL

I'd attended a job interview in Carlisle. The person I spoke to suggested I tour around a bit.

ADVOCATE

Do you normally conduct job interviews with a knife?

WILL

I got married with a knife. Any Scotsman worth his kilt gets married with a knife.

ADVOCATE

You bumped into Mr. Foyle by pure chance?

WILL

Yes. I saw him in a pub and I felt compelled to confront him.

ADVOCATE

You sought him out to force a confession, isn't that correct?

WILL

Yes.

A little thrown --

ADVOCATE

Yes.

WILL

Yes, that's right. Double jeopardy law pertaining to compelling new evidence.

Judge

I believe Mr. Burton has answered the question.

ADVOCATE

My Lord. A confession. Something that you would have desired very much.

WILL

Yes.

ADVOCATE

And yet when he denied you this request, you took his life.

WILL

No.

ADVOCATE

You flew into a rage and attacked him with a knife, didn't you?

WILL

When was this, sorry?

ADVOCATE

When you slashed him with the knife, as you've said clearly in your statement.

WILL

Oh yes. Before I carried him out of a burning building.

Judge

Mr. Burton.

WILL

Just being clear on chronology.

JUDGE

Flying close to the sun.

**SAME SCENE - LATER**

Will is being questioned.

ADVOCATE

A gastropod allergy. A specific kind of shellfish. Not exactly easy information to find out.

WILL

I would imagine not.

ADVOCATE

Have you ever had cause to access a client's medical records?

WILL

Yes. Though only if pertinent to the case.

ADVOCATE

In the case of Sandra Mullins. You were lead counsel for Mr. Foyle's defence.

WILL

I was.

ADVOCATE

Did you ever request any medical information regarding Mr. Foyle?

WILL

No.

ADVOCATE

You did not.

WILL

No. I did not access his files.

Judge

I believe his "no" was sufficient.

ADVOCATE

My Lord. You cannot prove this of course. He was your client; you were intimately acquainted with his information.

WILL

No. Confidential medical files are all digitised and kept securely at the solicitors or presumably equally securely at his doctors or hospital. Which is quite a long winded way of saying...

(because)

No I did not access his files. And yes -- I can prove it.

*Music ‘3m14’ in: 10:45:37*

A ripple of amusement across the jury.

**IN: 10:45:40 Ext/int. Taxi - day**

Maggie in the back of a taxi.

**IN: 10:45:54 Int. Scottish court room - day**

Advocate Depute sums up --

*Music ‘3m14’ out: 10:46:09*

AdVOCATE

What Mr. Burton is asking of you is very simple, ladies and gentlemen. He wants you to believe his little story. He wants you to believe that through an ironic twist of fate, this was the wrong knife in the wrong hand at the wrong time. I respectfully submit to you that this is pure fabrication. This was foreknowledge, with malicious intent. He will tell you otherwise but I ask only this question -- he tells a good story. But do we really believe him?

Will stares ahead. Mary, Danny, Harris, Jenny pale.

**IN: 10:46:33 INt. scottish court room - moments LATER**

On Will

WILL

I'm a lawyer and I have lived and believed in the law all my life. But until the law happens to you -- believe me, you don't know which way you're going to go. The man I faced in that cabin is the man I know beyond all doubt murdered my wife. I could have done a lot of things to him. Instead... I saw him suffer and I called an ambulance. I removed him from danger. I did what any decent human being should do. But let me be clear. I did these things out of nothing more than a sincere duty to our common decency. I did so because that's what's expected when you're a person in the world. I risked my life to help the man who took away my heart, my compass, my anchor, my best friend. I faced him down with a knife in my hand. I could have let him burn. In the circumstances, I believe I exerted an extraordinary amount of restraint.

(beat)

Liam Foyle is dead. I rejoice in his passing. But you should not convict me of his murder.

*Music ‘3m15’ in: 10:48:23*

CUT TO:

**IN: 10:48:30 EXT. ROYAL MILE - day**

Will is with Jamie and Mary. Maggie catches up.

MAGGIE

Will.

Will

Oh. Hi. Okay. Interesting.

MAGGIE

I want to talk to you.

WILL

Well I'd hurry up if I were you. You know what juries can be like. They can't deliberate forever. How are you feeling?

MAGGIE

How am I feeling?

WILL

When you heard what happened. Come on. You weren't just a wee bit... relieved?

*Music ‘3m15’ out: 10:48:59*

She was -- she's not going to play however...

MAGGIE

I wanted to talk to you.

WILL

Moral support?

MAGGIE

Legal advice.

(he's intrigued now)

I'm grappling with a case that's been bothering me. And wondered if you could help.

Mary's staring daggers at Maggie. Will holds Maggie's gaze --

WILL

Be right back... Shoot.

Mary catches Will's eye. Will musses Jamie's hair. Mary steers Jamie off to give Will and Maggie private time.

MAGGIE

Something occurred to me the other day: if you want to break into a safe, the first person you'd call is a locksmith. And if you wanted to commit a murder and get away with it, you might just want to talk to a criminal barrister.

WILL

Interesting idea.

MAGGIE

They'd have seen enough cases turn on discovery to know that the only way a perfect crime stays perfect is if it's done in plain sight. Wouldn't you say?

WILL

Could be.

MAGGIE

Everyone would have the facts in front of them -- but they'd still have no idea. How he really did it.

Maggie in Will's face now.

Maggie (CONT'D)

Step one. He'd find the Achilles heel. A deathly allergy, say. A rare one.

WILL

How would this person find out something like that?

MAGGIE

What does a criminal barrister do all day long?

WILL

Chase invoices.

MAGGIE

Talk to criminals.

*Music ‘3m16’ in: 10:50:04*

**IN: 10:50:04 Ext. will's house - night - flashback**

Will meets with Vadim

Maggie OOV

Wouldn't it give him an address book of potential contacts?

**IN: 10:50:09 INT. Hospital – night - flashback**

Vadim chats up a receptionist at the hospital where he works. A sign reads "RECORDS DEPARTMENT". He has a messenger bag.

MAGGIE OOV

For example. In the case I'm working on, the man was seen talking to a known criminal.

**IN: 10:50:13 Ext.park - night. Flashback**

Vadim puts an envelope in the dust bin.

WILL OOV

How could the person be sure it was him? The criminal I mean?

**IN: 10:50:15 Ext. park - night. Flashback**

Will retrieves the envelope from the bin.

Will OOV

(beat)

Presuming it was a he of course.

**IN: 10:50:18 INT. taxi – night - flashback**

Will speed reads the document.

"D M FOYLE CONFIDENTIAL MEDICAL RECORDS".

MAGGIE OOV

He was well known to the eyewitness.

**IN: 10:50:22 EXT. ROYAL MILE - day**

Back with Will and Maggie

WILL

Ah but was it day or night? Was he on foot, in a vehicle. Was the observer under any stress at all?

In Maggie's eyes -- touché.

MAGGIE

Step Two. What if he found a naturally-occurring source of that allergy? Somewhere innocent and every day?

**IN: 10:50:35 Ext. Rockpool - day - flashback**

WILL and JAMIE hunting for shells by the rock pool.

maggie OOV

They could argue self defence. If they loaded up a weapon with that allergen

**IN: 10:50:38 EXT. seaside coTTAGE - day - flashback**

Will is SHUCKING shellfish into a bowl-- using his PENKNIFE --

Maggie

... to administer the dose.

**IN: 10:50:43 EXT. ROYAL MILE - day**

Back to scene

WILL

With you so far.

MAGGIE

But to put so much weight on just one dose of allergen might not be enough, don't you think?

WILL

I wouldn't know the first thing about it.

MAGGIE

Step three. These people with allergies of such severity -- that could cause anaphylaxis -- they always carry these little life saving pens with them, don't they. Called Epipens.

**IN: 10:51:02 Int. Cabin - day - FLASHBACK**

Foyle, struggling to breathe.

MAGGIE

Do you think it might be possible to repurpose a pen? As a poison pen. By replacing the carrier solution with a solution of allergen... a person might sabotage the very thing that could save a person's life.

Will's stopped for a moment -- he's trying to be careful.

WILL

That sounds diabolical.

MAGGIE

It does doesn't it.

WILL

You mentioned a legal question.

MAGGIE

If that person had called 999 and the emergency services talked him through administering the pen to the victim. It's almost collusion in the crime by the emergency services. They'd be walking that person, step by step, through the murder.

WILL

Ah, you mean they've have a public record of the conversation.

MAGGIE

Yes.

WILL

It might fly. But I really don't think anyone would seriously attempt it.

MAGGIE

Why not?

WILL

I think murders against the law. I mean -- last time I looked.

MAGGIE

Will.

WILL

You're drawing a line. A big red one. There's a huge difference between knowing where that line is. And stepping over it.

MAGGIE

I know I couldn't.

WILL

Why not?

MAGGIE

I'd be scared of getting caught.

WILL

You just said it's a perfect crime.

MAGGIE

Oh it is... it is... Except for three things.

Will's now intrigued -- trying not to show it.

WILL

Three. Really.

MAGGIE

One. Disposing the weapon. There would be two Epipens, of course. The innocent one and the murder weapon.

**IN: 10:52:24 INT. Foyle'S CABIN - flashback**

Will plunges an Epipen into some sausages defrosting on the kitchen counter.

MAGGIE

The killer would have to discharge the innocent Epipen -- the one belonging to the victim left at the locus -- to ensure it looked like he'd done what he talked to the emergency services about.

 **IN: 10:52:31 EXT. ROYAL MILE**

Back to scene

MaggIE

Then I'd imagine he'd then have to chuck the poisoned Epipen in the Sharps Disposal bags at the hospital. But there's a chance that could be found before being incinerated. If the police do a full scale search.

**IN: 10:52:37 Int/ext. Ambulance - NIGHT - flashback**

As the ambulance passes -- we see Maggie's WRONG about this -- at least -- theoretically.

A small plastic tube FLIES OUT OF THE OPEN WINDOW of the ambulance -- and falls

**IN: 10:52:41 Ext. Royal mile - day**

Back to scene.

Will

Ah. Very clever.

MagGIE

Two. Obtaining the pen in the first place. He'd have to know someone with a prescription already.

Will

Hmmm. Good point.

Will keeps walking but Maggie's over taking him -- blocking.

MaggIE

And then there's number three.

(reading)

Patient suffered IgE phylum mollusca allergy. Severe bronchospasm and anaphylaxis... and under "additional observations"... hidden away in the footnotes... "some local swelling at wound and injection site".

Will's listening very closely now.

MAGGIE (CONT'D)

But they don't test for epinephrine after death. There'd be no way of knowing if the Epipen had been used or not, except from the puncture wound. So my number three is this: the risk of a follow-up histology on the local puncture site.

Will is looking at her with something approaching admiration.

Will

You have a very creative mind.

MAGGIE

But would that person be able to sleep soundly at night... knowing that at any moment there might be another post mortem that identifies allergen at the Epipen site?

WILL

Well. I guess that depends.

MAGGIE

On what?

WILL

On whether the body's been cremated.

Maggie's face falls.

**IN: 10:54:08 INT. parish council – day - flashback**

CLOSE ON: AN URN.

PULL BACK TO EILEEN MORRIS, tears in her eyes. Possibly a small picture of FOYLE. Should be more touching than cheesy. Genuinely mourning a loss. A small memorial and collection.

**IN: 10:54:19 Ext. Royal mile - day**

Back to scene

Will walks away leaving Maggie

*Music ‘3m16’ out: 10:54:27*

ClERK

Can the foreman stand please.

**IN: 10:54:25 Int. High court - EDINBURGH - day**

The Judge eyes the Foreman. Everyone's here. Total silence. Will stands ready. Jamie and Mary on tenterhooks.

MAGGIE walks in. Heads turn. Will meets her eye.

Maggie arrives -- her face glowing with Great Knowledge -- fear and admiration in her eyes -- a little unhinged perhaps.

Staring at Will -- KNOWING him -- the certainty of a zealot.

A horrific silence holds. This should play like that moment in a wedding -- "does anyone here have just cause" --

ClERK

Have you reached a verdict?

Jury foreman o.s.

We have.

CLERK

In the case of Her Majesty's Advocate against William Burton, how do you find the accused on the charge of murder?

JURY FOREMAN

Not proven.

*Music ‘3m17’ in: 10:54:48*

Danny and Harris and Mary on their feet.

DanNY

Yes!

JuDGE

Silence please. Silence please.

Maggie shakes her head. Amazed and horrified.

Will closes his eyes. Smiles ruefully. Consternation in court.

**IN: 10:55:03 EXT. High court - edINBURGH**

As Will, Jamie and Mary walk out -- press bulbs FLASH -- reporters jostling for a statement -- no comment at this time.

RepORTER

Mr. Burton. Mr. Burton, any comments Mr. Burton?

ENGLISH Reporter

(piece to camera)

Not proven of course the third verdict, available in Scottish law, effectively an acquittal but one that suggests a suspicion of guilt with insufficient evidence...

RepORTER

Would you have got away with in an English court of law Mr. Burton?

DANNY is waiting with a taxi -- Jamie and Mary pile in -- Will's about to get in when he sees Maggie.

Maggie

Take care.

**IN: 10:55:33 Ext. SeasiDE COTTAGE - dusk**

A FIRE has been lit. A cold, clear, frosty night.

*Music ‘3m18’ in: 10:55:39*

*Music ‘3m17’ out: 10:55:40*

A POT of mussels, whelks and limpets brews. It's not a party. It's not a wake. It's a memorial, a ceremony, and all present are missing the one person who should be there. KATE.

If we look closely we might just see AN ALLERGY NECKLACE around Mary's neck. Will is helping Jamie light a kindling stick.

Jamie holds up a PAPER LANTERN.

Will takes the kindling ignites the flame beneath the lantern. They launch it up into the wind.

Will

Okay, hold it down.

CLOSE ON WILL AND JAMIE

As they watch it rise up.

**IN: 10:56:35 END CREDITS**

Cast (in order of appearance)

 Jamie Burton GUS BARRY

 Mary BRID BRENNAN

 Will Burton DAVID TENNANT

 Richard Mayfield QC ANTON LESSER

 Trevor Harris TONY GARDNER

 Johann PATRICK TOOMEY

 Maggie Gardner SOPHIE OKONEDO

 Peter Simkins ROY MARSDEN

 Liam Foyle TOBY KEBBELL

 Judge MICHAEL COCHRANE

 Eileen Morris MONICA DOLAN

 Danny Monk STEPHEN WIGHT

 Tara JEANY SPARK

 George Balfour QC NICHOLAS WOODESON

 Vadim FATON GERBESHI

 Chambers Director VICTORIA CARLING

 Paramedic 1 GARRY SUMMERS

 Paramedic 2 ROSS MITCHELL

 Police Officer GARY CROSS

 Jenny KATE DICKIE

 Advocate Depute EWAN STEWART

 Clerk to Edinburgh Court GILLIAN McCAFFERTY

 Scottish Judge ROD CULBERTSON

 Scottish Pathologist CAROLINE GUTHRIE

 1st Assistant Director FRANCESCO REIDY

 2nd Assistant Director LEE TAILOR

 3rd Assistant Director HANNAH GREEN

 Floor Runners DAVE TIDY

 SARAH TOWNSEND

 Script Supervisor SAN DAVEY

 Location Manager RICHARD MAY

 Unit Manager JENNI LEWIS

 Location Assistant LEX DONOVAN

 Location Manager (Scotland) CINDY THOMSON

 Production Manager PAULA TURNBULL

 Production Co-ordinator SAMANTHA NEVIN

 Production Assistant BELLA CONSTANCE-CHURCHER

 Production Accountant ELFYN WYN JONES

 Producer’s Assistant ELLIOTT DARVELL-LE GOY

 Costume Supervisor ANITA LAD

 Costume Standby EMILY NEWBY

 Make-up Artist KATHY KNELLER

 Make-up Assistant KELLY WASLING

 Art Director NICOLE NORTHRIDGE

 Props Buyer AMANDEEP RAHI

 Assistant Buyer SOPHIE COOMBES

 Graphics SALLY KING

 Property Master BOB ORR

 Dressing Props JOHN CONDRON

 JOHN KNIGHT

 Standby Props BILL GOWER

 TIM AUSTIN

 Standby Carpenter GARRY MOORE

 B Camera Operator NIC LAWSON

 Focus Pullers ANNA BENBOW

 GORDON SEGROVE

 Clapper-Loader JAMES HARRISON

 Camera DIT PABLO GARCIA SORIANO

 Camera Trainees ROBBIE CAIRNS

 DAN WOMBWELL

 Grips ALEX COVERLEY

 JOHN HEALD

 Assistant Grip CALLUM WATT

 Sound Maintenance STEVE HANCOCK

 Sound Assistant JODIE CAMPBELL

 Gaffer JOHN WALKER

 Best Boys ANDY BELL

 CHRIS MORTLEY

 Standby Rigger TONI KELLY

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*Music ‘3m18’ out: 10:57:04*